



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: 13310-0-00513
Date Received: 7/15/13
Commission/Group: Northland
Existing Zoning: CPD Application Accepted by: D. Reiss Fee: \$1,900.00
Comments: 9/24/13

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

PARKING VARIANCE FOR 5300 NORTH HAMILTON ROAD (43230), BEING 5.9 +/- ACRES LOCATED AT THE NORTHEAST CORNER OF HAMILTON AND THOMPSON ROADS. PROPERTY OWNER REQUEST PARKING VARIANCE TO BE ABLE TO ADD ONE (1) RESTAURANT TO THE PLAZA. CODE REQUIRES 253 PARKING SPACES AND PLAZA CURRENTLY HAS 206 PARKING SPACES. VARIANCE FOR 47 PARKING SPACES.

3312.49 Minimum numbers of parking spaces required.
LOCATION

1. Certified Address Number and Street Name 5300 NORTH HAMILTON ROAD

City COLUMBUS

State OHIO

Zip 43230

Parcel Number (only one required) 010-226263-00

APPLICANT: (IF DIFFERENT FROM OWNER)

Name _____

Address _____ City/State _____ Zip _____

Phone # _____ Fax # _____ Email _____

PROPERTY OWNER(S):

Name KEITH A. HOOGLAND, TRUSTEE UNDER TRUST AGREEMENT DATED JULY 12, 2006 AND OF THE TRUST KNOWN AS THE HOOGLAND 2006 GRANTOR TRUST

Address 1022 EAST ADAMS STREET City/State SPRINGFIELD, ILLINOIS Zip 62703

Phone # 847-904-9000 Fax # 217-544-8416 Email BILL.MOHLER@FAMILYVIDEO.COM

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney

☒ Agent

Name BILL MOHLER

Address 7897 VALLEY VIEW ROAD City/State HUDSON, OHIO Zip 44236

Phone # 724-433-3381 Fax # _____ Email: BILL.MOHLER@FAMILYVIDEO.COM

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE _____

PROPERTY OWNER SIGNATURE _____

ATTORNEY / AGENT SIGNATURE _____

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

For all questions regarding this form and fees please call: 614-645-4522

Please make all checks payable to the Columbus City Treasurer



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AFFIDAVIT

13310-00513
5300 N. Hamilton Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME BILL MOHLER
of (1) MAILING ADDRESS 7897 VALLEY VIEW ROAD, HUDSON, OH 44236

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) KEITH A. HOOGLAND, TRUSTEE UNDER TRUST AGREEMENT DATED

AND MAILING ADDRESS

JULY 12, 2006 AND OF THE TRUST KNOWN AS THE HOOGLAND 2006

GRANTOR TRUST, 1022 EAST ADAMS STREET, SPRINGFIELD, ILLINOIS

62703

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) NORTHLAND COMMUNITY COUNCIL

PO BOX 297836, COLUMBUS, OH 43229

DAVE PAUL - (614) 325-8217, DWPAUL@FPCIVIC.ORG

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
HD DEVELOPMENT OF MARYLAND INC, 5200 N HAMILTON RD, HD DEVELOPMENT OF MD PROP TAX DEPT 3828 PO BOX 105842 ATLANTA, GA 30348

CSW HAMILTON LLC, 5356-354 HAMILTON RD, CSW HAMILTON LLC 150 E BROAD ST STE 310 COLUMBUS, OH 43215

SOUTHLAND SELF STORAGE LLC, 5341 N HAMILTON RD, SOUTHLAND SELF STORAGE LLC 1301 DUBLIN RD STE 200 COLUMBUS, OH 43215

HALE BEN W JR TR, 5323 N HAMILTON RD, LURIE THOMAS & ASSOC NCB GALLERIA 20 S 3RD ST FL 2 COLUMBUS, OH 43215

KEYBANK NATIONAL ASSOCIATION, 5300 NORTH HAMILTON ROAD, 5300 NORTH HAMILTON ROAD COLUMBUS, OH 43230

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8)

Subscribed to me in my presence and before me this 12 day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:

Notary Seal Here

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

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Please make all checks payable to the Columbus City Treasurer

PROPERTY OWNER

Keith A. Hoogland, Trustee for Trust
known as Hoogland 2006 Grantor Trust
1022 East Adams Street
Springfield, IL 62703

AREA COMMISSION OR
NEIGHBORHOOD GROUP

Northland Community Council
PO Box 297836
Columbus, OH 43229

13310-00513
5300 N. Hamilton Rd.

SURROUNDING PROPERTY
OWNERS

HD Development of MD
Prop Tax Dept. 3828
PO Box 105842
Atlanta, GA 30348

CSW Hamilton, LLC
150 East Broad Street, Suite 310
Columbus, OH 43215

Southland Self Storage, LLC
1301 Dublin Road, Suite 200
Columbus, OH 43215

Ben W Hale Jr Trust
c/o Lurie Thomas & Assoc
20 South 3rd Street, Floor 2
Columbus, OH 43215

Keybank National Association
5300 North Hamilton Road
Columbus, OH 43230

Fifth Third Bank
MD 10ATA1 Corp. Fac
38 Fountain Square Plaza
Cincinnati, OH 45202

Garry & Pamela Rowe
6650 Evening Street
Worthington, OH 43085

NL Real Estate Holdings
4531 Donegal Cliffs Drive
Dublin, OH 43017

Cindy Davis
5933 Painted Leaf Drive
New Albany, OH 43054

Emily & Christopher Wharton
5937 Rookery Court
New Albany, OH 43054

Tiffany & Kevin Beaver
5931 Rookery Court
New Albany, OH 43054

David Hanrahan
5927 Rookery Court
New Albany, OH 43054

Karthikeyan Shanmugam
5923 Rookery Court
New Albany, OH 43054

Vipinchandra Patel
5919 Rookery Court
New Albany, OH 43054

Clint & Amelia Mathewson
5924 Rookery Court
New Albany, OH 43054

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00513
5300 N. Hamilton Rd.

One Stop Shop Zoning Report Date: Mon Jul 22 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 5300 N HAMILTON RD COLUMBUS, OH

Mailing Address: 1 CORELOGIC DR 4-3-389

1 CORELOGIC DR 4-3-389

Owner: KEYBANK NATIONAL ASSOCIATION

Parcel Number: 010267636

ZONING INFORMATION

Zoning: Z98-058, Commercial, CPD

effective 8/27/2003, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: 05320-00000-00007

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

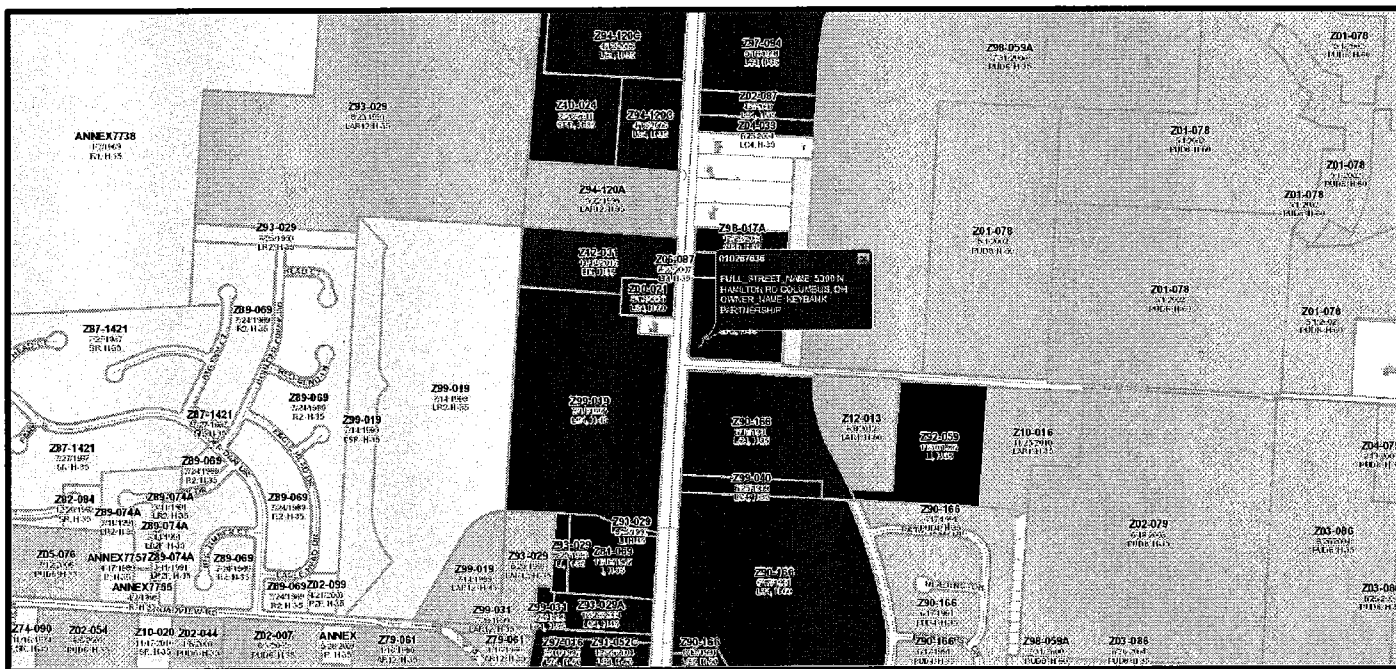
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A



Facts and Conditions Supporting Variances

1) Special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district

Unlike most of the centers on Hamilton Rd, our center has a number of heavy daytime uses. 18% of the businesses in our center close at 5 PM, and an additional 19% (Title Boxing) is considered heavy daytime use, as 73% of its classes are conducted before 5 PM. As such, 35-40% of our tenant mix will have little to no impact on parking in the evening. Conversely, the proposed food use will have minimal daytime use, as roughly 80% of their business is conducted in the evening.

2) The special circumstances or conditions are not the result of the actions of the property owner or applicant

The variance requested is to improve the overall quality of the center by bringing a unique and diverse mix of tenants to Hamilton Road. The special circumstances or conditions outlined in Section #1 were more of a result of market conditions than the actions of property owner or applicant.

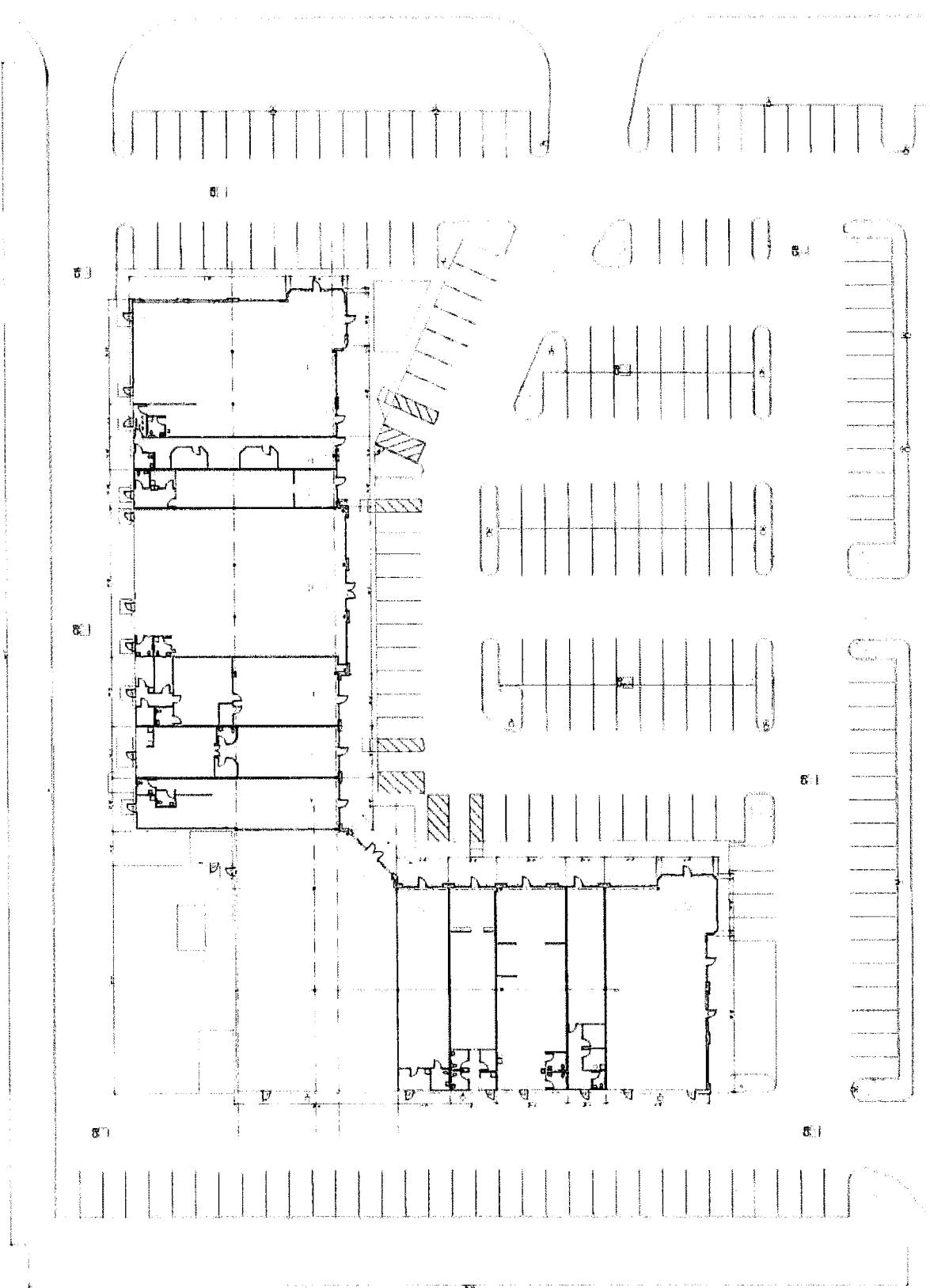
3) The special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district

As owner of the property, Family Video has a substantial property right to use its property. Family Video has owned the property for over two years, and it has remained vacant since our investment, despite our best efforts. Due to a number of circumstances (deed restrictions, the economy, and the local market), the center is forced to be maintained with 20-30% vacancy. Now, we are afforded the opportunity to bring two tenants, and the only remaining obstacle is the local code.

4) The grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.

The proposed use will not lead to unnecessary burden on resources or the infrastructure of the community. Having been an operator in this center for over two years, we have never experienced or documented a set of circumstances in which parking is a burden.

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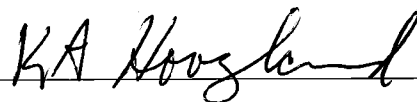
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, KEITH A. HOOGLAND, as TRUSTEE of HOOGLAND 2006 GRANTOR TRUST, the undersigned, of the city of Springfield, County of Sangamon, State of Illinois, do hereby make, constitute, and appoint BILL MOHLER of the City of Hudson, County of Summit, State of Ohio, my true and lawful attorney in fact for us and in our name, place, and stead, and on our behalf, and for our use and benefit for promissory & mortgage and all matters related to:

1. To sign any and all contracts, agreements, options, covenants, conveyances, deeds, trust deeds, security agreements, bills of lading, leases, mortgages, assignments and other debts and obligations and such other instruments in writing of whatever kind and nature as may be necessary or proper in the exercise of the rights and powers herein granted only in regard to the property located at 5300 North Hamilton Road, Columbus, Ohio 43230.

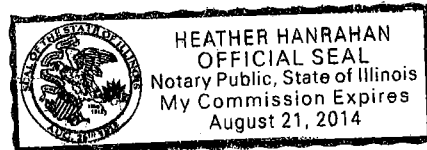
2. The rights, power and authority of said attorney in fact herein granted shall commence and be in full force and effect on July 10, 2013 and such rights, powers and authority shall remain in full force and effect thereafter until November 10, 2013.

DATED: July 10, 2013



KEITH A. HOOGLAND
TRUSTEE
2006 GRANTOR TRUST

Subscribed and sworn to before me
this 10th day of July, 2013.


NOTARY PUBLIC

13310-00513
5300 N. Hamilton Rd.



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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #

13310-00513

STATE OF OHIO
COUNTY OF FRANKLIN

5300 N. Hamilton Rd.

Being first duly cautioned and sworn (NAME) **BILL MOHLER**

of (COMPLETE ADDRESS) **7897 VALLEY VIEW ROAD, HUDSON, OH 44236**

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

**KEITH A. HOOGLAND, TRUSTEE UNDER TRUST AGREEMENT DATED JULY 12, 2006 AND
OF THE TRUST KNOWN AS THE HOOGLAND GRANTOR TRUST**

1022 EAST ADAMS STREET, SPRINGFIELD, ILLINOIS 62703

SIGNATURE OF AFFIANT

Bill Mohler

Subscribed to me in my presence and before me this 12 day of July, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Paula J. Boniphant

My Commission Expires:

March 31, 2018

Notary Seal Here

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Revised 02/01/11